



Sent to

Mr. Sebastian Constantin Coltescu

Decision
of the
Control, Ethics and Disciplinary Body
on
4 March 2021

Chairman: Partl Thomas (AUT)
Vice-Chairman: Berzi Sándor (HUN)
Members: García Caba Miguel María (ESP)
Řepka Rudolf (CZE)
Barnes Bobby (ENG)

Disciplinary Case: 34202 - UCL - 2020/21
Incidents: Breaching of the general principles of conduct, Article 11(1) DR and Article 6(1) of the General Terms and Conditions for Referees officiating at UEFA Matches
Competition: 2020/21 UEFA Champions League
Match: Paris Saint-Germain vs. İstanbul Başakşehir FK, 09.12.2020

I. Facts of the case

1. The elements set out below are a summary of the main relevant facts as established by the Control, Ethics and Disciplinary Body ("CEDB") on the basis of the official report of the UEFA Match Delegate, the report of the UEFA Ethics and Disciplinary Inspector ("EDI") and the exhibits filed. While the CEDB has considered all the facts stipulated in the above-mentioned report, it refers in the present decision only to the submissions and evidence it considers necessary to explain its reasoning.
2. On 8 December 2020, the 2020/21 UEFA Champions League group stage match between Paris Saint-Germain ("PSG") and İstanbul Başakşehir F.K. ("Başakşehir") (hereinafter, the "Match") was interrupted as a result of an incident that occurred in the 14th minute following overheard words used by the fourth official Mr. Sebastian Constantin Coltescu ("Mr. Coltescu") to identify [Mr. B]. The Match was subsequently suspended and the remaining time in the match was played on the following day.
3. The UEFA Match Delegate reported the following:

"[...] The match was interrupted at minute 13,30.

A incident appeared between the 4th official and someone from Başakşehir's technical bench.

Apparently he accuse the 4th official to use the word « negro » to describe him.

When I saw that the referees did not find a solution, I decided to go down to the pitch and after discussion with different people behind us, I asked the players to finish the game but they refused it.

We send them back to the dressing room for 10 min. with the approval of the main referee.

After many discussion, we suggest with the venue director to exchange the 4th official with the assistant VAR referee. In first instance, both delegation agreed but the players from Başakşehir refused.

After many other discussion, the suggestion has been made to restart the game at 22:00, but once again players from Başakşehir refused while Paris Saint-Germain's players were ready in the tunnel.

I had many contacts with French President and CEO of Başakşehir who did their best to bring the p[layers from Başakşehir back on the pitch [...]."

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4. On 9 December 2020, an EDI was appointed to conduct the appropriate disciplinary investigation, in accordance with Article 31(4) of the UEFA Disciplinary Regulations ("DR"), with regard to the incident involving Mr. Coltescu and the events that led to the Match being interrupted.
 5. On 9 February 2021, the EDI provided his report, which stated, *inter alia*, the following:

"B.1. Video and audio evidence

6. *After a thorough analysis of the official video of the Match [...] and the audio from the refereeing communication system [...], it has been possible to establish the following relevant facts (emphasis added):*

i. At the 3rd minute of the Match, Başakşehir's player n° 4 Rafael commits a clear foul on PSG's player n° 10 Neymar, which is blown by the referee.

ii. [Mr. D] complains from the technical area, and the fourth official Sebastian Coltescu approaches him for the first time to calm him down.

iii. At the 4th minute of the Match, the referee whistles a foul made by Başakşehir's player n° 23 Deniz Türüç on PSG's player n° 12 Rafinha.

iv. At this point, [Mr. D] is heard complaining again towards the referee.

v. At the 5th minute of the Match, another foul is committed by a Başakşehir's player on PSG's player n° 10 Neymar. This time the foul is made by Başakşehir's player n° 10 Berkay Özcan.

vi. At the 10th minute of the Match, Başakşehir's player n° 21 Mahmut Dekdemir is cautioned by the referee for a dangerous foul on PSG's player n° 10 Neymar.

vii. [Mr. D] reacts to the yellow card shown to his player by shouting to the referee from the bench, "first foul! first foul! what are we talking? Like basketball". The fourth official Sebastian Coltescu approaches [Mr. D] and tries to temper him. In response, [Mr. D] addresses the fourth official as follows: "This is not Romania! We are coming [from] Turkey".

viii. At the 12th minute of the Match, a second yellow card is shown to Başakşehir's team. On this occasion, Başakşehir's player n° 4 Rafael is cautioned for the foul made on PSG's player n° 25 Mitchel Bakker.

ix. A massive protest is heard from Başakşehir's technical area. The referee approaches [Mr. D] and shows him the yellow card. The third for Başakşehir's team.

x. At the 13th minute of the Match, PSG's player n° 3 Presnel Kimpembe fouls Başakşehir's player n° 22 Fredrik Gulbrandsen. The foul is whistled by the referee, but the latter decides not to book PSG's player.

xi. Immediately afterward, the assistant referee Octavian Sovre and the fourth official Sebastian Coltescu warn [the referee] about an incident on the Başakşehir's side and ask him to approach the technical area to send off one of Başakşehir's team members. This conversation is conducted over the refereeing communication system.

xii. At this point, it is unclear which person speaks through the headset, whether it is the fourth official Sebastian Coltescu, the assistant referee Octavian Sovre, or both at the same time, as from the internal audio of the referees, it is impossible or very difficult to identify the voice(s). In any event, the words heard are as follows: "Ovi, Ovi, stai, Ovi! Ovi! Vino aicea! Ȃla doi, negrul Ȃla și cu încă unul fac urât rău de tot! Ȃla, du-te și... Serios! Serios! Ȃla, du-te și identifică-l! Ȃla de-acolo, negru, de-acolo! Dă-i roșu!" [ENG: Ovi, Ovi, wait, Ovi! Ovi! Come here! Those two, that Black guy and the other one are really freaking out! That one, go and... Really! Really! That one, go and identify him! The one over there, the black one, over there! Show him the red card!].

xiii. [The referee] stops the game and approaches Başakşehir's technical area while the assistant referee Octavian Sovre, from the sideline, points towards the lower tier behind Başakşehir's bench to indicate who should be sent off [...].

xiv. As [the referee] is about to reach Başakşehir's technical area, he still seems unsure which Başakşehir's official should be sent off. In order to be able to identify him, the referee asks Sebastian Coltescu the following question: "Which one?"

xv. It is at this point that the fourth official, who is already very close to [the referee], replies over the refereeing communication system as follows: "Ȃla negru de-acolo care-ți vine..." [ENG: The black one over there who...].

xvi. Sebastian Coltescu points at [Mr. B] in order to help [the referee] identify him (...) and tells the referee through the headset the following: "Ȃsta-i roșu, Ȃți zic, direct, dă-i roșu, face urât! Ȃi dai roșu, direct Ȃi dai" [ENG: That calls for a red card, I'm telling you, show him the red card, directly, he's freaking out! Show him the red card directly, the red card].

xvii. Accordingly, the referee shows the red card to [Mr. B].

xviii. By this time, [Mr. B] had already come down from the stands and is in the Basakseshir's technical area. [Mr. B] turns first to [the referee] and repeatedly asks him, "why he said negro?", and then to Sebastian Coltescu, to whom he asks on several occasions, "why you said negro?"

xix. Following this incident, [the referee] tries to calm down the sensitive situation without success, and a crowd of players from both teams and some members of Başakşehir's technical staff ends up surrounding the referee.

xx. At the 14:40 minute of the Match, [Mr. D] is clearly heard saying, "in my country Romanian are gypsies. I can't say gypsies..."

xxi. At the 15:15 minute of the Match, one of Basakşehir's officials other than [Mr. D] tells Sebastian Coltescu, "this is Champions League, not Romanian league", to which the latter replies, "we speak in Romanian, my friend".

xxii. At the 16:20 minute of the Match, [Mr. D] addresses the fourth official Sebastian Coltescu as follows: "These guys don't accept you. We don't accept you. We don't accept you. We don't want you. You are a racist. You are a racist. We don't want you".

xxiii. At the 16:45 minute of the Match, Başakşehir's player [Mr. C], who started the Match on the bench, tells [the referee] the following: "Hey referee, when he's mentioning a white guy, this is saying 'this white guy', because when he mentions of a Black guy, he says this 'negro'".

xxiv. At the 18:03 minute of the Match, [Mr. C] further explains Constantin Coltescu as follows: "When you're mentioning a white guy, you never say 'this white guy', you say 'this guy', so why when you mention a Black guy, you have to say, 'this Black guy'?".

xxv. At the 19:05 minute of the Match, the UEFA match delegate, the referee, and the fourth official have a short conversation in which [the referee] firstly asks Constantin Coltescu the following: "Sebi, spune-mi exact ce... ce-ai spus" [ENG: Sebi, tell me exactly what... what you said]. In response, Constantin Coltescu explains the other two as follows: "In Romania, 'negru' means black, you know? Black player, black player [inaudible]. We speak in Romanian [inaudible]".

xxvi. At the 21:05 minute of the Match, [Mr. D] calls the fourth official 'racist' once again. He specifically addresses the following terms to Constantin Coltescu: "You are a racist. You are a racist. If your choice this 'negru', you are a racist". The fourth official gives him explanations and then [Mr. D] says, "Yes, you said this because of his colour. Yes. You said it because of his colour".

xxvii. At the 22nd minute of the Match, Başakşehir's team leaves the field of play.

xxviii. Shortly after, PSG's team also walks off the pitch and heads back to its locker room.

xxix. The Match is interrupted and subsequently suspended.

xxx. The remaining Match time is played on the next day.

B.2 Interviews

[...] The undersigned EDI interviewed the following persons, whose interviews were conducted separately:

- i. Mr. Sebastian Constantin Coltescu – UEFA fourth official (8 January 2021).
- ii. [Mr. A] – UEFA referee (8 January 2021).
- iii. [Mr. B] – [...] (11 January 2021).
- iv. [Mr. C] – Başakşehir's player (11 January 2021).
- v. [Mr. D] – [...] (11 January 2021).

vi. Mr. Octavian Sovre – UEFA assistant referee (14 January 2021).

[...]

B.2.1. Mr. Sebastian Constantin Coltescu – UEFA fourth official

14. Mr. Coltescu explained to the undersigned EDI that from the very first minute of the Match, Başakşehir repeatedly tried to provoke PSG's players, especially Mr. Neymar. According to Mr. Coltescu, for every foul [Mr. A] whistled against Başakşehir, its officials, especially [Mr. D], strongly protested the refereeing decisions by saying things such as 'this is not Romania', 'we come from Turkey', 'this is not basketball'.

15. Mr. Coltescu further indicated that just before the incident took place, there was a clear foul on one of Başakşehir's players, which was immediately whistled by [Mr. A]. At that very moment, [Mr. B], from the stands, started making rude gestures and directing strong protests towards [Mr. A]. According to Mr. Coltescu, [Mr. B]'s reaction was provoked by the fact that [Mr. A] did not show the yellow card to the PSG's player who had committed the foul. Mr. Coltescu confirmed that, in his view, [Mr. A] took the right decision since the foul was not cardable. In any event, Mr. Coltescu described [Mr. B]'s reaction as disproportionate and unacceptable.

16. For this reason, the assistant referee Mr. Sovre, who was standing near to Mr. Coltescu, warned [Mr. A] over the headset of such misbehaviour and asked him to approach Başakşehir's technical area. It was then that Mr. Sovre used the Romanian expression 'ăla negru' several times to identify [Mr. B], which, according to Mr. Coltescu, means 'the black one'.

17. Mr. Coltescu further clarified that the members of the refereeing team lead by [Mr. A] only and always speak Romanian among themselves as they all are Romanian, and that the word 'negru' is the only term in Romanian that can be used in order to describe a Black person, which has no racist connotations. Mr. Coltescu indicated that there are other words in Romanian to refer to a Black person in a derogatory or offensive manner, but these were never used.

18. Mr. Coltescu explained that when [Mr. A] approached the technical area, he explicitly asked Mr. Coltescu to identify the person who had to be sent off. Mr. Coltescu pointed at [Mr. B] and said the Romanian expression 'ăla negru' over the headset to unequivocally identify the Başakşehir's member of the technical staff. He further asserts that he was repeating what Mr. Sovre had previously said because he was not sure if [Mr. A] had heard him correctly.

19. At that precise moment and in that context, he could not have used any other word to identify [Mr. B]. It is stressed by Mr. Coltescu that [Mr. B] was wearing all black and that, in any event, the term was not used in a racist or discriminatory manner.

20. At that very moment, and always according to Mr. Coltescu's version of events, [Mr. D] heard him and immediately accused him of having used the term 'negro', which [Mr.

D] had apparently perceived it as if it had been said in English. That is when [Mr. B] approached Mr. Coltescu to repeatedly ask him why he had used the word 'negro'. According to Mr. Coltescu, he subsequently explained that he had not said such an English word, but the term 'negru', which in Romanian merely means black colour.

B.2.2. [Mr. A] – UEFA referee

21. [Mr. A] confirmed that there were constant provocations from Başakşehir's players to try to destabilise PSG's players and, in particular, Mr. Neymar.

22. [Mr. A] argues that the reaction of Başakşehir's team to his decision not to show the yellow card to the PSG's player Mr. Kimpembe was entirely disproportionate and uncharacteristic of a club participating in a UEFA Champions League match.

23. He further explained that Mr. Sovre and Mr. Coltescu informed him over the refereeing communication system that one of the members of Başakşehir's technical staff had behaved in an unacceptable manner, and that he had to be sent off. According to [Mr. A], it was at this point that his assistant referee Mr. Sovre identified [Mr. B] as 'the black one'.

24. [Mr. A] specified that [Mr. B]'s position was ten or fifteen meters away from Mr. Coltescu in the lower tier behind the Başakşehir's bench, in a specific area designated for Başakşehir's officials. When [Mr. A] approached Başakşehir's technical area, he asked Mr. Coltescu which member of the Başakşehir's team should be sent off. Mr. Coltescu, while pointing at that specific person, immediately replied over the headset the Romanian expression 'ăla negru', which means 'the black one'.

25. According to [Mr. A], there was a group of four or five persons in the stands, all wearing jackets, the same beanie hats, and even wearing masks, and the fact is that [Mr. B] was the only Black person in this specific group. In [Mr. A]'s view, it was a private conversation among the referees, and the reason for using such a word was only to quickly and unequivocally identify [Mr. B]. [Mr. A] confirmed that Mr. Coltescu used 'negru' only to identify a person and that this word has no negative connotations.

26. To the undersigned EDI's question as to whether [Mr. A]'s perception was that both teams believed at that precise moment that the referees were speaking in English to each other instead of Romanian, he answered in the affirmative and explained that, in his opinion, they possibly thought that a word even worse than 'negro' [in English] had been used.

27. [Mr. A] further emphasized the aggressive behaviour of [Mr. C] when the Başakşehir's player approached him and his fourth official. According to [Mr. A], [Mr. C] initially thought that the English word 'negro' had been used. Afterward, when Mr. Coltescu explained that he never said such a word and that the term 'negru' in Romanian is not the same as 'negro' in English, [Mr. C] entirely changed his position and said, 'why you say this Black guy?'

28. Regarding the remarks made by [Mr. D], [Mr. A] indicated that it was probably a phrase [Mr. D] used in the heat of the moment. In any event, [Mr. A] did not consider that [Mr. D] said it to offend the referees or that the expression constituted a racist or discriminatory abuse. [Mr. A] further clarified that the phrase [Mr. D] said was 'in my country Romanian are gypsies, but here I cannot call them like this'.

29. [Mr. A] stated that after seeing the incident's reaction, the use of a term such as 'negru' should be avoided in the future since it can be incorrectly perceived. Notwithstanding the above, [Mr. A] assures that the refereeing team did not know that they were doing something wrong by using it since this word does not entail any racist or discriminatory meaning. According to [Mr. A], the word is commonly and politely used in Romania to identify a dark-skinned person.

B.2.3. [Mr. B]

30. [Mr. B] explained to the undersigned EDI that he heard the fourth official Mr. Coltescu pointing him out and calling for a red card for the 'negro' in the stand.

31. [Mr. B] recognised that, at that time, he did not fully understand what the fourth official had been said and, for this reason, he went down and asked [Mr. D] if the fourth official had indeed called him 'negro'. According to [Mr. B], [Mr. D] confirmed to him that the fourth official had been used such a word. It was at this point that [Mr. B] turned to the fourth official and asked him repeatedly why he had said 'negro'.

32. To the question posed by the undersigned EDI whether [Mr. B] was aware that when the fourth official used the expression "ăla negru" he was talking internally to the main referee, [Mr. B] responded in the affirmative. He further stated that in the lower tier designated for Başakşehir's officials they were three persons protesting at the same time the refereeing decision, but that he was the only one whom the fourth official pointed out in a very aggressive way.

33. [Mr. B] stressed that the word 'negro' has the same meaning in practically all languages. Notwithstanding the preceding, the undersigned EDI, who is familiar with [Mr. B]'s long football career as a player in Spain, asked him if he was aware that in Spanish the word 'negro' has a different connotation than in English, to which he replied in the affirmative.

34. It was further explained by [Mr. B] that Başakşehir's team members talked to the Match's referees in English and that he did not realise that the referees were speaking in Romanian among themselves. [Mr. B] asserted that when he heard the word 'negro' he thought there was a bad intention behind it. In [Mr. B]'s opinion, the fourth official could have sent him off in a very different way by saying the third guy from the left or the guy at the end of the row, but he used the word 'negro'.

35. [Mr. B] stated that he felt discriminated against and that there was also the fourth official's aggressive attitude, his aggressive body language with which he pointed him

out, which also contributed to the fact that he felt that way. According to [Mr. B], the language the fourth official used was racist and discriminatory.

B.2.4. [Mr. C] – Başakşehir's player

36. [Mr. C] confirmed that he did not directly hear Mr. Coltescu saying the word 'negru', but that he listened to [Mr. D] asking the fourth official, 'why did you call him negro?' several times.

37. He further explained that although he tried to talk to the fourth official, [Mr. C] could not get clear and straightforward answers as to why he had used such an expression. [Mr. C] therefore decided to walk off the pitch and go to the locker room.

38. According to [Mr. C], to refer to someone by his skin colour is not the appropriate way on the field of play to identify a player or a member of the technical staff. In [Mr. C]'s view, there are many other characteristics that can be used to identify a specific person.

B.2.5.[Mr. D]

39. [Mr. D] said that when he heard Mr. Coltescu using the word 'negru' he realised that he was speaking in Romanian. However, according to [Mr. D], the fact that the fourth official was talking in Romanian is irrelevant since 'negru' is an international word, and in an international place and event such as a UEFA Champions League match, it is not a word to be used. He further explained that such a word could be easily misunderstood in the international context and, for this reason, should be avoided.

40. [Mr. D] explained to the undersigned EDI that Mr. Coltescu explained to him that the word 'negru' in Romanian means 'black colour', but he never apologised. [Mr. D] expected an apology from the fourth official for the mistake he made.

41. Following the above explanations, [Mr. D] clarified that he subsequently tried to explain Mr. Coltescu that Romanians are called Roman people in his country, but that he never would use such a term to refer to them in a UEFA competition. In [Mr. D]'s view, the observation he made to the fourth official was not an insult and it was a part of a normal conversation.

B.2.6. Mr. Octavian Sovre – UEFA assistant referee

42. Mr. Sovre confirmed that he also used the Romanian expression "ăla negru" over the refereeing communication system.

43. According to Mr. Sovre's version of events, the first who spoke over the headset and said the Romanian expression "ăla negru" was Mr. Coltescu. In particular, he clarified that Mr. Coltescu used "ăla negru" twice and that, in between the first and second time, Mr. Sovre told [Mr. A] that the reaction of one of Başakşehir's team members was unacceptable. It was not until after Mr. Coltescu said 'ăla negru' for the second time that Mr. Sovre said the same expression louder.

44. Mr. Sovre clarified that the word 'negru' has no racist or discriminatory connotations and that the Romanian expression "ăla negru" should be translated as 'the black one' in English. According to Mr. Sovre, it was only used to identify a specific person. Mr. Sovre further explained that there are other words in Romanian to refer to a Black person in a discriminatory or racist manner.

45. Mr. Sovre indicated that they should avoid sensitive terms such as 'negru' in the future. However, in any event, such a word in Romania is appropriate and commonly used to refer to a Black person.

46. According to Mr. Sovre, it was [Mr. D] who told [Mr. B] that the fourth official had been used the word 'negro' to refer to him, something that was not entirely true since Mr. Coltescu had used 'negru' in Romanian, not 'negro' in English. In Mr. Sovre's opinion, [Mr. D] knows some Romanian words because when he played for [...], approximately six of his teammates and the head coach [...] were Romanian. Mr. Sovre was convinced that [Mr. D] knew the difference between the word 'negru' in Romanian and 'negro' in English. In Mr. Sovre's view, [Mr. D] took advantage of the moment to generate a scandal since he probably was not satisfied with the refereeing.

B.3. Linguistic report

47. Since it is undisputed that the members of the refereeing team spoke in Romanian among themselves during the Match, the undersigned EDI decided to request [...] a linguistic report on the meaning of the Romanian word 'negru', the Romanian expressions 'negrul ăla' and 'ăla negru' as well as to identify potential discriminatory or racist connotations that the use of said expressions could entail.

48. Given the relevance of the linguistic report for the current evaluation, its content is provided below:

"From a Romanian-English certified translator point of view, and after analysing the recordings of the match, it can be said that, beyond any doubt, this situation is just a misunderstanding concerning a linguistic ethical matter.

In Romanian, two of the meanings of the word "negru", according to DEX (The Explanatory Dictionary of the Romanian Language) are as follows:

- 1. NEGRU, negri, s. m. Persoană care aparține rasei negre. (Person belonging to the black race)*
- 2. NÉGRU ~i m. Persoană care face parte din rasa ce se caracterizează prin culoarea foarte închisă a pielii. /<lat. Nigrum (Person belonging to a race characterised by a very dark skin colour)*

After having studied this dispute in greater detail, our statement is that the word "black" (negru - in the Romanian language) used by the Romanian referee was far from an insult or abuse to [Mr. B].

In the Romanian spoken language and vocabulary, this word does not have any negative connotations. Generally speaking, it is frequently used to give a certain description of an object, a person etc. Below is another example that testifies all the conclusions mentioned above, which are very appropriate with the situation itself.

(Romanian): Jucătorul negru care este pe bancă.

Which translates as

(English): The black player sitting on the bleachers.

(Romanian): Cămaşa lui este neagră.

Which translates as

(English): His shirt is black.

(German): Sein Hemd ist schwarz.

The word "black" is also used in several expressions like the following ones:

(Romanian): Este scris negru pe alb.

Which translates as

(English): It is written down here in black and white

(German): Es steht schwarz auf weiß geschrieben.

(Romanian): păr negru ca pana corbului

Which translates as

(English): raven-haired

(German): rabenschwarz hare

The word "black" is also met in some proverbs like:

(Romanian): În pământul negru se face pâinea albă.

Which translates as

(English): White bread is made in black soil.

(German): Weißbrot wird in schwarzem Boden hergestellt.

In addition, the Merriam Webster dictionary has these definitions:

Black

a: of or relating to any of various population groups having dark pigmentation of the skin (e.g. black Americans)

b: of or relating to African American people or their culture (e.g. black literature, a black college, Black pride, Black studies).

Moreover, the term "black" was first used in Britain in the 1960s, when people of many different ethnic origins, but with a skin colour that was not "white" wanted to describe themselves in order that they could present a more united front against the racism they all experienced. "Black" seemed the most acceptable word and it is a political term. Thus, the meaning of "negru" and "black" are more or less the same when referring to the black race.

*In colloquial language, it is common for a Romanian person to use the word "negru" when referring to a person of the black race, without it being racist. Considering that "negru" sounds similar to "negro" or the clearly racist word "ni**er", perhaps this could cause misunderstanding for a person who does not understand Romanian.*

The referee said "ăla negru" (which has the same meaning as "negrul ăla"), which indeed means "the black one", however, the expression itself does not present any racist connotation.

It just seems to have been used to quickly identify the person in the heat of the moment, without any offensive or discriminatory connotations.

Considering the fact that Romanian people usually have white skin by default, it was easier in this context to identify the player by his colour - taking into consideration that this situation took place in the middle of a football game, where everybody was in a hurry and focused on the game, and the atmosphere was already intense and chaotic – the matter of linguistic conventions can be easily missed out.

This is clearly a sensitive subject but, taking into consideration the linguistic issues presented above, the word "black" was not used in this context as a racist remark. There are other words which could have been used for clearly discriminatory or racist purposes in Romanian when referring to a person of colour and these were never heard during this interaction.

In a world of football where racism, unfortunately, is a present phenomenon, it is the duty of an UEFA official to have the presence of mind to realise that certain terms or addresses can be misunderstood.

The Romanian referee statement may therefore be considered as not being professional from this point of view, but certainly cannot be considered to have racist and offensive connotations. When we rely on linguistic conventions, it can be very difficult to express the complexity of human identities."

[...]

II. LEGAL ASSESSMENT

[...]

C.2. Is the content of the comments an insult to human dignity?

60. As has been regularly confirmed by the CAS well-established jurisprudence, the applicable test for determining the existence of an act that violates Art. 14(1) DR, is the perception of a "reasonable onlooker" or "reasonable and objective observer".

[...]

C.2.1. Language factor

63. *After having analysed the video and audio evidence available, it is beyond all reasonable doubt that Mr. Coltescu and Mr. Sovre's comments were made in Romanian. In particular, the expressions that could potentially involve a violation of Art. 14(1) DR are 'negrul ăla' and 'ăla negru'.*

64. *Based on the linguistic report submitted by an acknowledged expert, which has been enclosed in the current report, the undersigned EDI finds that the expressions 'negrul ăla' and 'ăla negru' should be translated as 'the Black one'. It is further noted that, according to the linguistic report, the word 'negru' is frequently used to describe an object or a person and has no pejorative or otherwise negative connotations.*

65. *Having the preceding established, the undersigned EDI considers it essential to emphasize that, as it is clear from the video and audio evidence available as well as the outcome of the interviews conducted, except for [Mr. D] all players and technical staff of both teams, including [Mr. B] and [Mr. C], reacted to Mr. Coltescu's comments under the misperception that the latter had been using the English word 'negro'. This is easily corroborated by how the term 'negro' is pronounced by [Mr. B] when he approached the referee and fourth official in the technical area or by the fact that [Mr. C] told the referee that Mr. Coltescu had used the word "negro" to refer to a "Black guy".*

66. *The so-called "reasonable onlooker" standard requires that the expressions subject to the present evaluation be analysed according [to] the language in which they were transmitted, i.e., in Romanian, and exactly as they were said, i.e., 'negrul ăla' and 'ăla negru', and not based on the misperception that the word used, quod non, was 'negro' in English, which in contrast does have a blatant racist and discriminatory connotation.*

67. *It would be entirely wrong to consider that the potential racist remark under assessment is a word that Mr. Coltescu and Mr. Sovre did not even say, however much the players and technical staff of both teams misperceived it as such. Again, CAS already has established that the impression of one specific person, even the person towards whom the act is directed, while it may be relevant, is not determinative. This is precisely one of those cases where players and technical staff's perception cannot be considered determinative, as it was totally misguided and wrong.*

68. *Accordingly, from the perspective of a "reasonable and objective observer" and considering the findings of the linguistic report, the undersigned EDI is firmly convinced that using the expression 'negrul ăla' or 'ăla negru' to refer to a Black person is neither racist nor discriminatory.*

69. *For the sake of completeness, the undersigned EDI notes that, even in English, when the term 'black' is used as an adjective, which happens in the current case if the expressions 'negrul ăla' or 'ăla negru' are translated into English, said word could not be considered as offensive. As established by the Cambridge Dictionary, the adjective Black is used to refer to someone "of or belonging to a group of people having skin that is brown, esp. African-American people". Besides, the Cambridge Dictionary explicitly*

clarifies that "although African- American is the word preferred by many, black is also widely used and is not offensive."

70. The undersigned EDI is fully aware of the sensitivity involved in using the terms 'black' and 'white' in our society, as some people still consider that their use helps to sustain the perception that human categories are being created and among which Black people are inferior. This reasoning is essentially based on the symbolic use of both terms to connote negative and positive traits, respectively.

71. Nevertheless, the fact is that most activists and associations that support racial equality choose to normalise the term 'Black' to refer to dark-skinned people. This is supported, ad exemplum, by the use of the word 'Black' in one of the largest international social movements in history, "Black Lives Matter", the slogan of which is frequently shared by football players and other public figures. Even the Premier League decided to support the wish of the players to have their names replaced by the slogan "Black Lives Matter" on the back of their shirts for the restart of the 2019/20 season [...]. In the undersigned EDI's opinion, if the use of the term 'Black' to refer to a Black person were to be considered as racist, it would be like assuming that all those anti-racist organisations that normalise the use of the term 'Black' and their millions of supporters should be considered as racist as well. Through the lens of a "reasonable onlooker", such an assertion would be an evident mistake.

72. Having established that the Romanian expressions 'negrul ăla' and 'ăla negru' should be translated as 'the Black one', and that they are not racist or discriminatory in nature, it is now the undersigned EDI's turn to analyse the context in which the relevant expressions were said, which is highly relevant to the outcome of whether what occurred constituted a racist act.

C.2.2. Context

73. The undersigned EDI observes that the relevant comments were made by the first assistant referee Mr. Sovre and the fourth official Mr. Coltescu during the Match, while carrying out the refereeing duties for which they were appointed by UEFA.

74. It is important to note that from the start of the Match it is an indisputable fact that Başakşehir's players adopted an aggressive style of play, committing several fouls in a few minutes, some of them dangerous for the safety of PSG's players.

75. Meantime, Başakşehir's team took an aggressive stance against the referee from the bench and stands, complaining about practically every one of his decisions.

76. It was precisely a protest against a referee's decision not to show a yellow card to a PSG's player, which led to the incident that eventually caused the Match to be interrupted and subsequently suspended.

[...]

81. *Considering all the preceding particular circumstances, the following issue to address is whether the comments made by Mr. Coltescu and Mr. Sovre should be considered racist under the perception of a "reasonable onlooker".*

82. *In the undersigned EDI's view, although the expressions used by the referees could eventually be deemed controversial considering the context in which they were said, these cannot be objectively and reasonably perceived as racist or discriminatory.*

83. *In reaching this conclusion, the undersigned EDI has attributed weight to the following circumstances:*

- i. The Romanian word 'negru' and the expressions 'negrul ăla' and 'ăla negru' have no negative or pejorative connotations.*
- ii. The English phrase 'the Black one', which is the translation of 'negrul ăla' and 'ăla negru', cannot be considered offensive according to the most relevant English dictionaries. Furthermore, the term 'Black' has been normalised and is commonly used by several anti-racist organisations and their millions of followers.*
- iii. The comments were only intended to help [Mr. A] to quickly and unequivocally identify a specific person in a particular area of the stands in order to send him off for misbehaviour. In this regard, it is noted that [Mr. A] confirmed that the Başakşehir's team members in the lower tier all wore similar clothes.*
- iv. Identifying a person by a physical feature such as skin colour should not be regarded as racist under the "reasonable onlooker" test, even though a few might find it offensive or discriminatory. A similar scenario would be to identify a single white person in a group of three or four Black people. Identifying that person as 'the white one' cannot be objectively and reasonably perceived as racist, although a few might perceive it as pejorative. Another example would be to identify a single bald person in a group of three or four people with hair by using the expression 'the bald one'. The above should not be considered an insult or discriminatory conduct, although a few might find negative connotations to such an expression.*
- v. From the video and audio evidence available can be ascertained that Mr. Coltescu spoke calmly, and when [Mr. B] approached him, he showed a very relaxed body attitude, even trying to reassure [Mr. B]. In this regard, the undersigned EDI cannot concur with [Mr. B] when it considers that Mr. Coltescu had an aggressive attitude towards him, quite the contrary.*

84. *In light of all the preceding, the undersigned EDI is convinced, in the eyes of a reasonable and objective observer, that the comments made by Mr. Coltescu and Mr. Sovre, while could eventually be deemed controversial taking into account the context of the Match, should not be considered racist or discriminatory and, consequently, the violation of Art. 14(1) DR cannot be established.*

[...]

87. *[...] the undersigned EDI cannot ignore the fact that the use of the Romanian word 'negru', which should be translated as 'Black', might be regarded as controversial, not because it is racist, discriminatory, or offensive, but because it might be erroneously*

perceived in certain situations due to its phonetic similarity to the English pejorative word 'negro'.

88. By way of recommendation, the undersigned EDI considers that referees should be adequately and specifically trained to make better decisions on the choice of language and words to be used in UEFA competitions. In the international context, correct use of language is essential to avoid misunderstandings such as those that occurred in the Match.

[...]

IV. FINDINGS AND REQUEST

On the basis of the above, the undersigned Ethics and Disciplinary Inspector considers that the investigation into the potential racist or discriminatory conduct by Mr. Sebastian Constantin Coltescu, Mr. Octavian Sovre [...] shall be closed, without need to open disciplinary proceedings for the violation of Art. 14(1) of the UEFA Disciplinary Regulations.

Without prejudice to the preceding, it requests the UEFA Control, Ethics and Disciplinary Body to open proceedings in order to assess the potential breach by Mr. Sebastian Constantin Coltescu and Mr. Octavian Sovre of the general principles of conduct within the meaning of Art. 11 of the UEFA Disciplinary Regulations”.

6. On 10 February 2021, disciplinary proceedings were opened against Mr. Coltescu for a potential violation of Article 11 DR.

II. Mr. Coltescu's statements

7. Mr. Coltescu, in his statements dated 16 February 2021, essentially stated the following:
 - He agrees with the EDI and emphasises that the words overheard by the Başakşehir bench were part of an internal communication between the referee team in order to quickly identify a specific person sitting on the bench.
 - Mr. Coltescu considers that there is no breach of the general principles of conduct enshrined in Article 11(1) DR. In this respect, he recalls that he respected the IFAB Laws of the Game, as well as UEFA's Statutes, regulations, directives and decisions, and complied with the principles of ethical conduct, loyalty, integrity and sportsmanship.
 - With regard to the IFAB Laws of the Game, he considers that he fully acted in respect of the so-called "Practical Guidelines for Match Officials".
 - Furthermore, he states that there are no guidelines, policies or directives of any nature at a UEFA level regarding the use of language between Match officials. In this
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respect, Mr. Coltescu emphasises that the events that led the match being suspended were nothing more than a misunderstanding.

- Regarding a potential violation of Article 11(2)(b) DR, Mr. Coltescu states that the words used to identify [Mr. B] are common words used in the Romanian language, emphasising that these words have no derogatory or insulting connotation. In this respect, Mr. Coltescu recalls that the EDI in his report establishes that, from the perspective of an objective onlooker, there was no insult and/or racist behaviour.
- With regard to a potential violation of Article 11(2)(i) DR, Mr. Coltescu recalls that the Match was not abandoned. In this respect, he notes that the Match was firstly interrupted for a period of 10 minutes and then, when Başakşehir players refused to restart the Match, the Match was suspended for one day (i.e. the Match was rescheduled for the next day), but never abandoned.
- Considering that Mr. Coltescu was not responsible of the Match being suspended and that the words used to describe [Mr. B] were not racist or discriminatory, Mr. Coltescu considers that he cannot be guilty of breaching Article 11(2)(d) DR.
- Finally, Mr. Coltescu recalls his clean previous record.
- Considering the above, Mr. Coltescu requests that:
 - the disciplinary proceedings opened against him be closed;
 - subsidiarily, if the CEDB considers that a violation of Article 11 has occurred, to impose a warning on him.

III. Merits of the case

A. UEFA's competence and relevant provisions applicable to the case

8. Pursuant to Articles 33(3), 52 and 57 of the UEFA Statutes, as well as Article 29(3) DR, the CEDB is competent to deal with the case.
 9. Pursuant to Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
 10. The following relevant provisions apply to the case at hand.
 11. Article 2(1) of UEFA Statutes reads as follows: "*[t]he objectives of UEFA shall be to: [...] (b) to promote football in Europe in a spirit of peace, understanding and fair play, without any discrimination on account of politics, gender, religion, race or any other reason*".
 12. According to Article 3(1)(c) DR, "*[t]he following are subject to these regulations: [...] (c) all match officials*".
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13. Article 11 DR states as follows: "¹ [...] all persons assigned by UEFA to exercise a function [...] must respect the [...] UEFA's Statutes, regulations, directives and decisions, and comply with the principles of ethical conduct, loyalty, integrity and sportsmanship [...]. ³ Breaches of the above-mentioned principles and rules are punished by means of disciplinary measures".
 14. According to Article 14(1) DR, "[a]ny person under the scope of Article 3 who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion, ethnic origin, gender or sexual orientation, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction".
 15. Pursuant to Article 46.01 of the 2020/21 UEFA Champions League Regulations, "[t]he General Terms and Conditions for Referees officiating at UEFA Matches apply to the referee teams appointed for the competition".
 16. Article 6(1) of the *General Terms and Conditions for Referees officiating at UEFA Matches* ("UEFA GTC"), reads as follows: "Match officials undertake to behave in a professional and appropriate manner before, during and after any UEFA match for which they have been appointed".
 17. Article 12(2) UEFA GTC states that "[a]ny breach by match officials [...] of these General Terms and Conditions [...] could result in proceedings being opened by UEFA's disciplinary bodies".
 18. According to Article 6(2)(e) DR, "[t]he following disciplinary measures may be imposed on individuals: [...] suspension from carrying out a function [...] for a specified [...] period".
 19. Article 7 DR reads as follows: "¹ Directives demand certain behaviour on the part of those concerned. ² In addition to disciplinary measures, the disciplinary bodies may issue directives stipulating the manner in which a disciplinary measure must be carried out [...]".
 20. According to Article 31(3)(b) DR, the EDIs "may [...] request the opening of proceedings [...]".
 21. Pursuant to Article 23 DR, "¹ [t]he competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances. [...] ³ Disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case [...]".

B. In the case in hand

22. On a preliminary basis, the CEDB notes that, even though the EDI concluded that there was no violation of Article 14 DR, the CEDB considers it appropriate to analyse the expression "*ăla negru*" (translated into English as "*the black one*") used by Mr. Coltescu in order to determine whether or not this expression ought to be considered as racist.
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23. Taking the above into consideration, the CEDB finds that this case is about the potential responsibility of Mr. Coltescu in identifying [Mr. B] as *"the black one"*.
24. Bearing the above in mind, the relevant issues for the CEDB to consider are:
- A) Is Mr. Coltescu in breach of Article 14 DR, Article 11 DR and/or Article 6(1) UEFA GTC for identifying [Mr. B] as *"the black one"*?
- B) If the answer to question (A) above is affirmative, what is the appropriate sanction?
- A. Is Mr. Coltescu in breach of Article 14 DR, Article 11 DR and/or Article 6(1) UEFA GTC for identifying [Mr. B] as *"the black one"*?
25. First, the CEDB emphasises that, as per Article 2(1) of the *UEFA Statutes*, one of UEFA's core objectives is to *"promote football in Europe in a spirit of peace, understanding and fair play, without any discrimination on account of politics, gender, religion, race or any other reason."*
26. In determining whether or not the behaviour of Mr. Coltescu shall be qualified as racist within the meaning of Article 14 DR, the CEDB must firstly analyse the context in which the incident happened from the perspective of an objective onlooker¹.
27. In the present case, the CEDB notes that, during the 14th minute of the Match, when the referee decided not to book a PSG player after a foul was committed against a Başakşehir player, Mr. Coltescu warned the main referee about an incident on the Başakşehir bench and asked him to approach the technical area to send off one of Başakşehir's team members.
28. In order to identify the Başakşehir's team member, Mr. Coltescu used the expression *"ăla negru"* (ENG: *"the black one"*) several times and when the referee approached the technical area, Mr. Coltescu said: *"ăla negru de-acolo care-ți vine..."* (ENG: *"the black one over there who..."*) and pointed out [Mr. B].
29. The CEDB notes the arguments of Mr. Coltescu stating that he was speaking in Romanian with the main referee and his only intention was to quickly identify the person seated on the bench who needed to be sent off.
30. Furthermore, the CEDB notes that [Mr. B] confirmed that he did not know that Mr. Coltescu was speaking in Romanian with the referee team.
31. After carefully examining the available audio and video evidence of the incident, the CEDB establishes that the context in which the expression *"ăla negru"* was used by Mr. Coltescu was in a private conversation between the referees in order to identify a person on the Basakeshir's bench who had to be sent off.

¹ CAS 2015/A/4256, at para. 63.

32. Having established such context, the CEDB must analyse the expression used by Mr. Coltescu to identify [Mr. B], i.e. "*ăla negru*", translated into English as "*the black one*".
 33. According to the linguistic report, the word "*negru*" is frequently used in the Romanian language to describe an object or a person and carries no pejorative or otherwise negative connotations. Nevertheless, the CEDB also considers that the word "*negru*" can be easily misunderstood as an offensive and discriminatory word if considered within the context of the English language (as occurred in the case at hand).
 34. The CEDB understands that referees are under significant pressure during UEFA competition matches as they must make important decisions in a very short period of time. However, it is important to recall that Mr. Coltescu was officiating a UEFA Champions League match, in which players and officials of different nationalities, races, religions and cultures were gathered.
 35. In this respect, the CEDB notes the argument of Mr. Coltescu stressing that he did not have the intention to offend anyone. In this regard, the CEDB believes that Mr. Coltescu did not have the intention to offend or to be racist towards [Mr. B]. However, since [Mr. B] perceived the expression in a discriminatory manner, the CEDB considers that the argument of defend of Mr. Coltescu is not valid and that Mr. Coltescu did not choose the correct words to identify [Mr. B].
 36. Considering the above, the CEDB comes to the conclusion that Mr. Coltescu did not have the intention to behave in a discriminatory manner and, consequently, the majority of the CEDB considers that the behaviour of Mr. Coltescu was not in breach of Article 14 DR.
 37. Having concluded that there was no violation of Article 14 DR, the CEDB analyses whether Mr. Coltescu's behaviour was in breach of Article 11 DR and/or Article 6(1) UEFA GTC.
 38. First, the CEDB recalls the importance for the referees officiating at UEFA matches to "*respect the [...] UEFA's Statutes, regulations, directives and decisions*" (as set out in Article 11(1) DR), which include *inter alia* the UEFA GTC and, more particularly, the obligation (referred to in Article 6(1) thereof, which is applicable in the case at hand as per Article 46.01 UCLR) to "*behave in a professional and appropriate manner [...] during [...] any UEFA match for which they have been appointed*". In this respect, the CEDB emphasises that such obligation requires referees to avoid the use of insulting, vulgar or aggressive words, gestures or attitudes, or any other type of unprofessional or inappropriate behaviours.
 39. Based on the above, the CEDB considers that, in the case at hand, the behaviour of Mr. Coltescu in identifying [Mr. B] as "*the black one*" and pointing him out was unprofessional and inappropriate.
 40. The CEDB remarks that UEFA competitions are carried out in a multicultural environment where respect must be displayed at all times. However, in this particular case, the CEDB considers that Mr. Coltescu's behaviour was not in line with the behaviour which ought
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to be expected from a referee officiating a UEFA Champions League match. The CEDB emphasises that there are other ways in which to identify and/or address a person.

41. In view of the above, the CEDB comes to the conclusion that Mr. Coltescu's behaviour was in breach of Articles 11(1) DR and 6(1) UEFA GTC, with the consequence that he needs to be punished accordingly.

B. If answer to question (A) above is affirmative, what is the appropriate sanction?

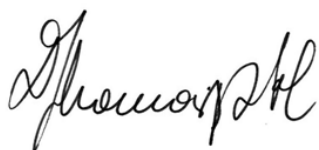
42. Having established that the expression used by Mr. Coltescu to identify [Mr. B] is considered as being in breach of Articles 11(1) DR and 6(1) UEFA GTC, the CEDB must determine the appropriate sanction for such behaviour displayed by Mr. Coltescu.
43. When determining the sanction, the CEDB recalls that Article 23(1) DR states that "*[t]he competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating circumstances.*"
44. In this respect, the CEDB notes the arguments of Mr. Coltescu, in which he emphasises his clean previous record as a professional referee. In this regard, the CEDB considers that, as stated above, the behaviour expected from a UEFA official is to maintain good behaviour at all times and to avoid using any expressions which could be understood as being offensive by a person.
45. In this particular case, the CEDB considers as an aggravating circumstance that Mr. Coltescu repeated the expression several times and pointed out [Mr. B], which led to the Match being interrupted.
46. Considering the above, the CEDB deems it appropriate to impose the disciplinary measure set out in Article 6(2)(e) DR on Mr. Coltescu and to suspend him from carrying out any refereeing function until the end of the 2020/21 season, i.e. until 30 June 2021, for his inappropriate behaviour during the Match.
47. Finally, the CEDB agrees with the EDI and considers that UEFA officials should be adequately and specifically trained to make better decisions in their choice of language and the words that should and should not be used during UEFA competitions. In this respect, the CEDB emphasises that not only UEFA officials, but all persons in the football family, shall act with respect, regardless of which language is being used.
48. In order to promote this, the CEDB deems it appropriate to issue in the case at hand a directive (within the meaning of Article 7(1-2) DR) which consists in ordering Mr. Coltescu to attend an educational programme before 30 June 2021, under the conditions determined by the UEFA refereeing services.
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49. Consequently, the CEDB

decides

- 1. To suspend Mr. Sebastian Constantin Coltescu from carrying out any referee's function until the end of the 2020/21 season, i.e. until 30 June 2021, for the violation of Article 11(1) DR and Article 6(1) of the General Terms and Conditions for Referees officiating at UEFA Matches, i.e. for inappropriate behaviour during a UEFA match for which he was appointed.**
- 2. To order Mr. Sebastian Constantin Coltescu to attend an educational programme before 30 June 2021 under the conditions determined by the UEFA refereeing services.**

Thomas Partl
Chairman



☞ Romanian Football Federation

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Advice as to rights of appeal

This decision is open to appeal (Article 60 DR).

A declaration of the intention to appeal against a decision by the Control, Ethics and Disciplinary Body must be lodged with the UEFA administration, in writing, for the attention of the Appeals Body, within three days of notification of the relevant decision with grounds (Article 60(2) DR).

Within five days of the expiry of the time limit for the declaration of the intention to appeal, the appellant must file, in writing, the grounds for appeal, which must contain a legal request, an account of the facts, evidence and the appellant's conclusions (Article 60(3) DR).

The appeal fee is €1,000, payable on submission of the grounds for appeal at the latest (Article 60(4) DR).

Publication notice

Decisions of the UEFA disciplinary bodies are published on the UEFA website in accordance with Article 52(5) DR. A request to publish an anonymised version of the decision shall be submitted to the UEFA administration within seven days of notification of the decision with grounds.